

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PETER MORGAN,

Plaintiff,

Case No. 12-12071

Paul D. Borman  
United States District Judge

v.

R. Steven Whalen  
United States Magistrate Judge

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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**ORDER (1) ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION;  
(2) GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT PURSUANT  
TO THE FOURTH SENTENCE OF 42 U.S.C. § 405(g) TO THE EXTENT THAT THIS  
CASE BE REMANDED FOR FURTHER FACT-FINDING (Dkt. No. 9);  
(3) DENYING PLAINTIFF'S MOTION FOR REMAND PURSUANT TO THE SIXTH  
SENTENCE OF 42 U.S.C. § 405(g) (Dkt. No. 12);  
(4) DENYING DEFENDANT'S MOTIONS FOR SUMMARY JUDGMENT (Dkt. Nos. 18  
& 22) TO THE EXTENT THEY SEEK AFFIRMANCE OF THE ADMINISTRATIVE  
DECISION**

On September 3, 2013, Magistrate Judge Steven Whalen issued a Report and Recommendation addressing the outstanding motions in this action. (Dkt. No. 24). In the Report and Recommendation, the Magistrate Judge recommends that this Court grant Plaintiff's motion for summary judgment pursuant to the fourth sentence of 42 U.S.C. § 405(g) to the extent that this case be remanded for further fact-finding. (Dkt. No. 9). The Magistrate Judge also recommends the Court deny Plaintiff's motion for remand pursuant to the sixth sentence of 42 U.S.C. § 405(g). (Dkt. No. 12). Further, the Magistrate Judge recommends denying Defendant's motions for summary judgment to the extent they seek affirmance of the

administrative record. (Dkt. No. 18 & 22).

Having reviewed the Report and Recommendation, and there being no timely objections from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d), the Court:

1. ADOPTS the Report and Recommendation (Dkt. 24); and
2. GRANTS Plaintiff's motion for summary judgment pursuant to the fourth sentence of 42 U.S.C. § 405(g) to the extent that this case be remanded for further fact-finding (Dkt. No. 9);
3. DENIES Plaintiff's motion for remand pursuant to the sixth sentence of 42 U.S.C. § 405(g) (Dkt. No. 12);
4. DENIES Defendant's motions for summary judgment (Dkt. Nos. 18 & 22); and
5. REMANDS this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Magistrate Judge's Report and Recommendation.

**IT IS SO ORDERED.**

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

DATED: October 31, 2013

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 31, 2013.

s/Deborah Tofil

Case Manager